

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, OCTOBER 8, 2001
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

Table of Contents

CHRONOLOGY OF THE MEETING	4
ATTENDANCE DURING THE MEETING	4
ITEM-1: ROLL CALL	5
ITEM-10: INVOCATION	5
ITEM-20: PLEDGE OF ALLEGIANCE	5
ITEM-30: Arts and Humanities Month	5
ITEM-31: Fire Prevention Week	6
NON-AGENDA COMMENT	7
COUNCIL COMMENT	7
CITY ATTORNEY COMMENT	10
CITY MANAGER COMMENT	11
* ITEM-50: Amending the Legislative Officers Retirement Program	11
* ITEM-51: Removal of Painted Utility Markings in Public Rights-of-Way	12
* ITEM-100: Montgomery Field Electrical Upgrade Project	13
* ITEM-101: Lake Murray Comfort Station	14

* ITEM-102: Rejecting All Bids and Re-Advertising for Bids for the Construction of Plastic Service Replacement Group 519.	16
* ITEM-103: Agreement with Powell/PBS&J for Engineering Consulting Services	18
* ITEM-104: Biological Services - Dudek and Associates - Amendment 1	20
* ITEM-105: Landscape Easement Abandonment in Lot 7 of Map 12438.	22
* ITEM-106: Grant to Support Program Entitled “Enhancing Strategies in Community Prosecution.”	23
* ITEM-107: 2001/2002 Spousal Abuser Prosecution Program Grant	24
* ITEM-108: Reprogram of Funds: Friar’s Formation Slope Restoration Project (FFSRP) ...	25
* ITEM-109: Ernestine Bonn Day.	26
* ITEM-110: <u>Four</u> actions related to Authorizing Suggestion Awards to City Employees	27
ITEM-111: Appointments to the Citizens Equal Opportunity Commission	28
* ITEM-112: Cooperative Agreement for Traffic Signal at Washington Street and SR-163 ..	29
ITEM-200: Retention of IDEC Pharmaceuticals Corp. (Proposed Fee Reimbursement)	30
ITEM-201: REFERRED TO CLOSED SESSION	32
ITEM-250: SUBMISSION OF BALLOT PROPOSALS	33
ITEM-251: Notice of Completion and Acceptance of Subdivision Improvement Agreement	34
ITEM-252: Settlement of the Personal Injury Claim of Brian Santos.	35

*ITEM-S400: Appointments to the Board of Directors of the City of San Diego/MTDB Authority	36
ITEM-S401: Mid-City Pipeline Project - Contract Change Order No. 7.	36
NON-DOCKET ITEMS:	39
ADJOURNMENT	39

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Murphy at 2:10 p.m. Mayor Murphy adjourned the meeting at 3:03 p.m. into Closed Session at 9:00 a.m. on Tuesday, October 9, 2001, in the twelfth floor conference room to discuss existing and anticipated litigation.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Wear-present
- (3) Council Member Atkins-present
- (4) Council Member Stevens-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present
- Clerk-Abdelnour (pr)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Wear-present
- (3) Council Member Atkins-present
- (4) Council Member Stevens-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present

ITEM-10: INVOCATION

Invocation was given by Pastor Thomas Bunnett of the Grace Evangelical Lutheran Church.

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Frye.

ITEM-30: Arts and Humanities Month.

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-479) ADOPTED AS RESOLUTION R-295537

Declaring October 2001 to be "Arts and Humanities Month" in San Diego and urging San Diegans to participate in and to celebrate the fine arts our community has to offer.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A050-118.)

MOTION BY STEVENS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-31: Fire Prevention Week.

COUNCILMEMBER MAIENSCHIN'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-381) ADOPTED AS RESOLUTION R-295538

Commemorating the Great Chicago Fire of 1870 which killed more than 250 people, left 100,000 homeless, and destroyed more than 17,400 buildings;

Proclaiming the week of October 7-13, 2001 as "Fire Prevention Week" in the City of San Diego.

SUPPORTING INFORMATION:

Cooking, heating and electrical fires represent three of the nation's leading causes of home fires, and are collectively responsible for nearly half of all home fires and almost one-third of the associated fire deaths. The vast majority of home cooking, heating, and electrical fires can be prevented by taking simple safety precautions. Developing a home fire escape plan and practicing it at least twice a year are critical to escaping a fire safely. Proper installation, testing, and maintenance of smoke alarms are part of a thorough home fire escape plan; people can greatly reduce their risk to fire. The Fire Department of San Diego is dedicated to the safety of life and property from the devastating effects of fire. The members of the fire service are joined by other concerned citizens of San Diego, as well as other emergency service providers and safety advocates, businesses, schools, service clubs, and organizations in their fire safety efforts. The people of San Diego should participate in fire prevention activities at home, work, and school, and to take the steps needed to make their home safe from fires, which includes cooling,

**Minutes of the Council of the City of San Diego
for the Regular Meeting of Monday, October 8, 2001**

Page 7

heating, and electrical. Therefore, proclaiming the week of October 8-13, 2001 as "Fire Prevention Week" in the City of San Diego.

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FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A124-180.)

MOTION BY MAIENSCHIEIN TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

NON-AGENDA COMMENT:

NONE.

COUNCIL COMMENT:

**COUNCIL COMMENT-1: REFERRED TO THE CITY MANAGER
REFERRED TO THE CITY ATTORNEY**

Comment by Council Member Wear stating that this morning at the White House, Tom Ridge was sworn in as the Assistant to the President for Homeland Security. Council Member Wear noted that the White House Summary of the President's Executive Order stated that the mission of the Office is to develop and coordinate the implementation of a comprehensive national strategy to detect, prepare for, prevent, protect against, respond to, and recover from terrorist attacks within the United States. Because of the sequence of events since the September 11th tragedy, Council Member Wear requested that the City Manager draft a blueprint plan that begins a process of local coordination with the Office of Homeland Security, and identifies policies that need to be implemented, and resources that they must allocate to support the mission.

Mayor Murphy stated that the City Manager, the Police Chief, and he have been guarded in what they say because one could compromise security if one discusses it too openly. Mayor Murphy requested that before this issue comes back to any committees, that it be reviewed to see if it would compromise security to do as Council Member Wear suggested.

Council Member Atkins wished to ask if there was a way the Council could get briefings on some of this information in Closed Session, since there were issues that cannot be discussed in the open.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A275-296; A296-306; A634-B027.)

COUNCIL COMMENT-2:

Comment by Council Member Atkins regarding yesterday's "AIDS Walk," which is the 12th annual "AIDS Walk" in San Diego, and more than 20,000 people turned out to walk to raise funds. Council Member Atkins stated they raised over \$600,000 yesterday in donations, sponsorships, and pledges, and that the money will help fund dozens of organizations that provide vital care to people living with HIV and AIDS. Council Member Atkins expressed she was very thankful to be joined by Council Member Peters, and members of her staff, along with the Lesbian and Gay Men's Community Center. As a team they raised over \$9,000. Council Member Atkins also wished to give special thanks to the Mayor and staff for their support. Council Member Atkins noted that Assembly Bill 297 carried by Assembly Member Christine Kehoe was signed into law Tuesday. Council Member Atkins stated that was the Bill that allowed San Diego to continue with the very critically important "6 to 6" program. Council Member Atkins stated this was a success and she thanked the City Manager, all of the staff, and Intergovernmental Relations who were involved in that.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A306-347.)

COUNCIL COMMENT-3:

Comment by Council Member Maienschein wishing to recognize that Friday they formalized an agreement to establish Teen Court in the City of San Diego. Council Member Maienschein stated that for those who are not familiar with the program, it is for nonviolent first time juvenile offenders. Instead of sending them through the Juvenile Court system, they work in partnership with local Law

Enforcement, and local schools to help turn the kids around. It has been phenomenally successful in the past, and they have now taken what was the old Youth Court Program and the old Peer Court Program ran by the City Attorney Casey Gwinn, and merged them. Council Member Maienschein stated he felt they really took the best from both, and will actually get at the root causes of juvenile crime, and turn the kids around. Council Member Maienschein wished to thank City Attorney Casey Gwinn for his hard work, and thanked the Council and the Mayor who have been supportive.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A349-362.)

COUNCIL COMMENT-4:

Comment by Mayor Murphy regarding Saturday morning having the official kick-off for the Canyon Watch Program. Mayor Murphy stated that their efforts to reduce sewer spills and to clean up the beaches and bays has been on an accelerated track. Mayor Murphy stated that they are planning to increase the number of miles of sewer lines that they replace every year from 20 to 60; televising a thousand miles of sewer line to decide what needs to be replaced; increasing the sewer line cleaning from 1,500 miles to 3,000 miles; and that the San Diego Sewer Department and the Wastewater Department have really embraced the enhanced effort. Mayor Murphy stated that he has worked with Council Member Scott Peters, and Co-Chair of the Clean Water Task Force, and the other members of the Force, Council Member Wear, and Council Member Frye, to really take an aggressive approach to stopping sewer spills. The Ocean Foundation has adopted Tecolote Canyon, and they celebrated that Saturday morning as well. Mayor Murphy and Council Member Frye walked the canyons along with many other groups that have agreed to adopt canyons. Mayor Murphy stated this was an effort by the people of San Diego to engage in trying to stop sewer spills. Also, Mayor Murphy wished to point out that Friday night Deputy Mayor Stevens, Council Member Maienschein, City Attorney Casey Gwinn and he were part of the "Tony Gwynn Night" at Qualcomm Stadium. Mayor Murphy announced that they presented a Proclamation to Ricky Henderson, and that they made it "Ricky Henderson Day" in recognition of him being the most prolific run scorer in the history of Major League Baseball. Also, a Resolution was presented to Tony Gwynn that the Council adopted making it "Tony Gwynn Week," in

honor of all of his baseball achievements. Lastly, Mayor Murphy stated that Deputy Mayor Stevens presented the "Key to the City" to Tony Gwynn.

Deputy Mayor Stevens wished to compliment the Mayor on the presentation he had made.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A366-454; A454-464.)

COUNCIL COMMENT-5:

Comment by Council Member Inzunza wishing to commend the Mayor and Council Member Frye for having the event Saturday, and that he has spoken to various organizations who have complimented the City for their aggressive efforts regarding the sewer and the water issues. Council Member Inzunza stated that their Chairman, Council Member Madaffer, of the Natural Resource Committee, has had this issue at almost every meeting, and has been a relentless fighter. Council Member Inzunza wished to recognize Council Member Peters for all his efforts as well.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A464-473.)

CITY ATTORNEY COMMENT:

Comment by City Attorney Gwinn regarding representing the Mayor on Sunday night in meeting the Mayor of Ariel Israel, Ron Knockman. City Attorney Gwinn stated that Ariel Israel is the last settlement on the edge of Palestine, and is a City that they have built in the last ten years. City Attorney Gwinn expressed that the Mayor is currently the President of essentially the League of Cities organization for Israel, which ties together all the towns, villages, and cities in Israel now. City Attorney Casey Gwinn stated that Mayor Murphy presented a Proclamation that meant a great deal to Mr. Knockman, and that made it Ron Knockman day in San Diego. City Attorney Casey Gwinn wished to request that the Mayor and the Council consider the City of Ariel becoming a part of San Diego's Sister City Program.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A496-522.)

CITY MANAGER COMMENT:

Comment by the City Manager regarding security measures in the City. The City Manager stated that as the Mayor cautioned, he could not go into detail on the security measures, but that he did produce Friday afternoon a report to the Mayor and City Council plus all of the City employees some security measures that the City is undertaking. The City Manager stated that right now under the leadership of the Assistant City Manager, they have a working group that is looking at all City facilities, and upgrading the security in those facilities. The City Manager also stated that they asked him whether the City had enhanced security at major public events such as the baseball game. The City Manager noted that there were additional private security people at the baseball game with additional Police Officers, and that checks were being done that were not done in the past. The City Manager announced that there will be metal detectors installed on the first floor of the City Administration Building, and that should be implemented by next Monday. Additionally, other city facilities are being looked at to enhance security. The City Manager also announced that the City was working with the American Water Works Association, the National Association, and that they have a network of interactions with County, State, and Federal authorities to ensure security in City Facilities.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A527-570.)

* ITEM-50: Amending the Legislative Officers Retirement Program.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 9/24/2001. (Council voted 8-0. Councilmember Inzunza not present.):

(O-2001-149) ADOPTED AS ORDINANCE O-18994 (New Series)

Amending Chapter II, Article 4, of the San Diego Municipal Code by amending Division 1, Section 24.0103, and by amending Division 17, Sections 24.1701-24.1707, pertaining to the Legislative Officers Retirement System to include the elected City Attorney as a member of the program. The amendment also changes the name of the program to the "Elected Officers Retirement Program."

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A183-257.)

CONSENT MOTION BY WEAR TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Stevens. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-51: Removal of Painted Utility Markings in Public Rights-of-Way.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 9/24/2001. (Council voted 8-0. Councilmember Inzunza not present.):

(O-2002-170) ADOPTED AS ORDINANCE O-18995 (New Series)

Amending Chapter VI, Article 2, of the San Diego Municipal Code, by amending Section 62.1105, adding a new Section 62.1106, and renumbering Sections 62.1106 and 62.1107, all relating to the Placement and Removal of Utility Installation Markouts in the Public Right-of-Way.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A183-257.)

CONSENT MOTION BY WEAR TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Stevens. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-100: Montgomery Field Electrical Upgrade Project.

(District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-388) ADOPTED AS RESOLUTION R-295539

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for the Montgomery Field Airport - Airfield Lighting and Signage Rehabilitation, also referred to as the Montgomery Field Electrical Upgrade Project on Work Order No. 117639;

Authorizing the City Manager to execute a contract with the lowest responsible bidder for the project, including additional alternatives for additional runway lighting improvements;

Authorizing the City Auditor and Comptroller to transfer \$300,000 from Fund 10511, CIP-31-001.0, Annual Allocation - Montgomery and Brown Field Airports to Fund 10520, CIP-31-332.0, Montgomery Field Airport Rehabilitation 2000;

Authorizing the expenditure of an amount not to exceed \$1,720,727 from Fund 10520, CIP-31-332.0, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K02025C)

CITY MANAGER SUPPORTING INFORMATION:

The Montgomery Field Airport Master Plan, adopted July 10, 1994, suggests the existing airport lighting system be rehabilitated. The Airport Master Plan, Environmental Impact Report No. 80-09-34C analyzed potentially significant impacts to the Master Plan. The City of San Diego

Annual Budget for FY 1997 Capital Improvement Program identified this Airport Improvement Project.

The existing electrical system for runways and taxiways has aged and has insufficient capacity to meet current and future needs. This Rehabilitation Project will upgrade the entire system to accommodate added loads on the electrical vault to provide additional power required for new lighted guidance signs, also included in this project. This project will enhance airport safety and improve operating efficiency for pilots operating on Runway 28R/10L at Montgomery Field Airport. The Airport Advisory Committee fully supports this much needed project.

FISCAL IMPACT:

Total cost of the project is \$1,958,333 with an FAA grant of \$1,500,000, a matching. Caltrans grant of \$75,000, and a City portion of \$383,333.

Herring/Griffith/ZDB

Aud. Cert. 2200332.

FILE LOCATION: W.O. 117639

COUNCIL ACTION: (Tape location: A183-257.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Stevens. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-101: Lake Murray Comfort Station.

(Navajo Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-195) **RETURNED TO THE CITY MANAGER**

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and

inviting bids for the Construction of Lake Murray Comfort Station on Work Order No. 294470;

Authorizing the City Manager to execute a contract with the lowest responsible bidder;

Authorizing the City Auditor and Comptroller to transfer \$23,200 from Snack Bar Fund No. 10365, Org. 2444, and \$26,200 from Architect Fee Fund No. 10365, Org. 2444, to CIP-29-447.0, Lake Murray Comfort Station;

Authorizing the expenditure of an amount not to exceed \$49,600 from CIP-29-447.0, Lake Murray Comfort Station;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K02020C)

CITY MANAGER SUPPORTING INFORMATION:

This project is to be located south of Golfcrest and east of Park Ridge on the northwest side of Lake Murray within the Lake Murray Community Park in San Diego. The site is presently occupied by storage sheds, snack bar, and gravel parking lots.

The purpose is to build an ADA accessible comfort station with an attached concession stand and a storage room to serve the park's users which include the San Carlos Little League, Navajo Bobby Sox League, and Crusader Soccer. There is no permanent restroom within the park and currently portable restrooms are being used.

The comfort station will provide two stalls, two urinals and two lavatories for the men and four stalls and two lavatories for the women. The concession stand will feature prep-area and utility stub-out for future connection. The storage room will be used for equipment storage. Other improvements will consist of a crosswalk to playing fields, a sidewalk to the main parking lot, utility services and a parking stall for people with disabilities next to the building.

FISCAL IMPACT:

The estimated total project cost is \$246,600 of which \$197,000 has been previously authorized. The additional \$49,600 is available from Snack Bar Fund No. 10365 (\$23,200) and Architect Fee Fund No. 10365 (\$26,400) respectively.

Loveland/Belock/AO

Aud. Cert. 2101220.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A183-257.)

CONSENT MOTION BY MADAFFER TO RETURN THIS ITEM TO THE CITY MANAGER FOR ADDITIONAL WORK TO BE DONE TO MAKE THE PROJECT MORE COST EFFECTIVE. Second by Maienschein. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-102: Rejecting All Bids and Re-Advertising for Bids for the Construction of Plastic Service Replacement Group 519.

(See Memorandum from Frank Belock dated 5/24/2001 and Frequently Asked Questions About Group Jobs. Rancho Penasquitos, Scripps Miramar Ranch, Tierrasanta, Clairemont Mesa, Navajo, and Skyline-Paradise Hills Community Areas. Districts-1, 4, 5, 6, and 7.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2001-389) ADOPTED AS RESOLUTION R-295540

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for the Construction of Plastic Service Replacement Group 519 on Work Order No. 182621;

Authorizing the City Manager to execute a contract with the lowest responsible bidder;

Authorizing the City Manager to establish contract funding phases and to execute a contract with the lowest responsible and reliable bidder, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City

Treasurer; Authorizing the expenditure of \$673,536 from Water Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K01026CA)

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 5/30/2001, NR&C voted 3 to 0 to approve. (Councilmembers Peters, Madaffer, and Inzunza voted yea. Councilmember Wear not present.)

CITY MANAGER SUPPORTING INFORMATION:

Water Group 519 (Water Services) proposes the replacement of substandard plastic water services in the following communities: Rancho Penasquitos, Scripps Miramar Ranch, Tierrasanta, Clairemont Mesa, Navajo, and Skyline-Paradise Hills. These water services have experienced re-occurring leaks and need to be replaced from the water main to the meter boxes with copper piping. The project was advertised on September 29, 2000, and the bid opening was conducted on October 25, 2000. Orion Construction Corporation was the only bidder for this project. Orion Construction Corporation's bid was rejected because of its failure to meet the Equal Opportunity Subcontracting Contracting Outreach Program requirements as specified in the contract documents.

Since the original bid opening in September, additional plastic water services have been identified as needing replacement. These additional services have been included in this project and the additional funding requested in this action will be utilized to cover this increase in the scope of work.

FISCAL IMPACT:

The total estimated cost of this project is \$2,537,395 of which \$1,863,859 was previously approved by Council Resolution R-293971. This request of \$673,536 consists of \$130,000 for Engineering and Design, \$514,948 for Construction, \$18,588 for OCIP and Safety, and \$10,000 for Contingencies and related costs. Funding is available in Water Fund 41500, CIP-73-083.0,

Annual Allocation - Water Main Replacement, for this purpose. This project will be phase-funded.

Loveland/Belock/HR

WWF-01-498.

FILE LOCATION: W.O. 182621

COUNCIL ACTION: (Tape location: A183-257.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Stevens. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-103: Agreement with Powell/PBS&J for Engineering Consulting Services.

(See Larry Gardner's 9/13/2001 memo. Penasquitos East Community Area. District-1.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2002-460) ADOPTED AS RESOLUTION R-295541

Authorizing the City Manager to execute an agreement with Powell/PBS&J for engineering consulting services;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$394,106 from Water Fund 41500, CIP-70-954.0, North City Reclamation System (Black Mountain Ranch Storage Tank) for the purpose of funding this agreement and related in-house costs;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 9/19/2001, NR&C voted 5-0 to approve. (Councilmembers Peters, Wear, Frye, Madaffer and Inzunza voted yea.)

CITY MANAGER SUPPORTING INFORMATION:

In December 2000, the Water Department completed a Beneficial Reuse Study. This study provides an updated review of the City's existing reclaimed water program and plans for the development of an expanded reclaimed water system to meet the North City Environmental Protection Agency grant goals in a timely and cost-effective manner. The grant goals are to reuse 25 percent of the flows (6 mgd) treated at the North City Water Reclamation Plant (NCWRP) by December 31, 2003 and 50 percent of the flows by December 31, 2010.

The three million gallon (3MGD) Black Mountain Storage Tank designed under this agreement is part of a distribution system developed based upon the results and recommendations from the Beneficial Reuse Study. This distribution system will provide reclaimed water to the City of San Diego's Northern Service Area, which extends northward from State Route 52 to the City's northern boundary, and from the coast to the city's eastern boundary with the City of Poway. This system is a collection of seven separate projects. The 3MGD Black Mountain Storage Tank has been sited adjacent to the potable water Black Mountain Reservoir. The storage tank will be visible from the Rancho Penasquitos community, southwest of the site.

The Water Department Request for Qualifications selection process was followed to obtain the services of a design engineering consultant. As part of this process, the Water Department received a short-list of six qualified firms from Contract Services. On May 14, 2001, a Selection Panel convened and interviewed the short-listed firms. The firms were evaluated on the basis of qualifications including expertise, experience, understanding and approach to the scope of services, and the capability of personnel and subcontractors. Based upon the results of these interviews and subsequent reference checks, PBS&J was selected as the most qualified to provide engineering consulting services.

FISCAL IMPACT:

Funding is available from the Water Department Fund 41500, CIP-70-954.0, North City Reclamation System, in the amount of \$394,106.

Loveland/Gardner/PG

Aud. Cert. 2200337.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A183-257.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Stevens. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-104: Biological Services - Dudek and Associates - Amendment 1.

(See Scott Tulloch's 9/13/2001 memo.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2002-400) ADOPTED AS RESOLUTION R-295542

Authorizing the City Manager to execute an amendment to the agreement of March 6, 2000 with Dudek & Associates, Inc., for as-needed biological services to the Metropolitan Wastewater Department;

Authorizing the expenditure of an amount not to exceed \$750,000 from Fund No. 41506.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 9/19/2001, NR&C voted 5-0 to approve. (Councilmembers Peters, Wear, Frye, Madaffer and Inzunza voted yea.)

CITY MANAGER SUPPORTING INFORMATION:

The City entered into an agreement with Dudek and Associates on March 7, 2000 for Dudek to provide biological services for Metropolitan Wastewater Department (MWWD) Capital Improvement Program (CIP) and Wastewater Collection (WWC) Division projects. The original agreement was for a duration of two (2) years and a not-to-exceed amount of \$500,000. Amendment 1 to the contract would add an additional \$750,000 to the not-to-exceed amount and extend the term of the agreement to March, 2005. Services include all manner of biological resource studies such as surveys, mapping, reporting, construction monitoring, and preparation

of conceptual and construction-level habitat restoration mitigation plans as required by permit and environmental regulations.

To date, approximately 77% of the funds encumbered under this contract have been in support of the WWC Division, specifically to document biological impacts and develop mitigation plans for emergency sewer repairs. Dudek's services would continue to be used for emergency sewer repair, support to MWWD's CIP program, and to investigate biological conditions in canyons and similar biologically sensitive areas where preventive maintenance and sewer rehabilitation projects are proposed. MWWD has a goal to reduce the total number of sewage spills by 25% by 2004. To achieve this goal, maintenance and rehabilitation activities must occur in biologically sensitive areas. Therefore, biological services are necessary to complete the local, state and federal regulatory processes that are required to work in these areas. Dudek and Associates has an excellent relationship with regulatory agencies and has demonstrated a thorough working knowledge of MWWD practices, San Diego biology, and regulatory rules and processes. A contract amendment is most effective and therefore, is recommended.

Subconsultant Participation

In keeping with the City's policy to voluntarily provide subcontracting opportunities to all interested and qualified firms, including certified Disadvantaged Business Enterprises (DBE), Dudek would continue to retain Morena.

Aerial Photo Surveys (DBE) and Tierra Environmental Services (DBE) as members of their consultant team. Due to the nature of this agreement, use of certified subconsultants is dependent upon the tasks authorized.

FISCAL IMPACT:

The cost of the proposed amendment is not to exceed \$750,000.

Loveland/Tulloch/CZ

Aud. Cert. 2200255.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A183-257.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Stevens. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-105: Landscape Easement Abandonment in Lot 7 of Map 12438.

(Otay Mesa Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-297) ADOPTED AS RESOLUTION R-295543

Vacating the landscaping easement as more particularly described in the legal description marked as Exhibit "A," and as shown on Drawing No. 19406-B marked Exhibit "B."

CITY MANAGER SUPPORTING INFORMATION:

City Council action is requested to vacate a landscaping easement in Lot 7 of Map 12438. This property is located in the Otay Mesa Planning area within Council District 8. This easement is on private property. The only purpose for this public service easement is to allow City staff to maintain landscaping within the easement. No rights are granted to the public. The vacation of this easement will relieve the City of the responsibility to maintain the landscaping within the easement. The Landscaping Maintenance District recommends approval of the easement abandonment. This easement was acquired at no cost to the City. City staff recommends approval of the easement abandonment.

Loveland/Haase/AEA

FILE LOCATION: DEED F-9075

COUNCIL ACTION: (Tape location: A183-257.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Stevens. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-106: Grant to Support Program Entitled "Enhancing Strategies in Community Prosecution."

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-458) ADOPTED AS RESOLUTION R-295544

Authorizing the City Attorney to apply for, accept and expend a \$150,000 Grant from the State of California, Department of Justice, to support the program entitled "Enhancing Strategies in Community Prosecution," for the period of July 1, 2001 to December 31, 2002, under the terms and conditions outlined in the letter dated August 17, 2001 to the City Attorney from Attorney General Bill Lockyer;

Declaring that the City agrees to hold the Department of Justice and the State of California harmless from any liability arising out of the performance of the grant agreement, including court actions or damages, and certifies that the City will not use the grant to supplant local expenditures.

SUPPORTING INFORMATION:

This project is funded through the FY 2000 "Awards for Planning and Implementing Strategies in Community Prosecution." This award to the City of San Diego, City Attorney, is for the enhancement of its existing neighborhood prosecution unit, which was established in 1997.

The City of San Diego, City Attorney, under the "Enhancing Strategies in Community Prosecution" program, will expand and enhance their Neighborhood Prosecution Unit by funding a prosecutor in the downtown area. The prosecutor (in partnership with the San Diego Police Department, other criminal justice agencies, business, and the community) will prosecute crimes that impact public safety and quality of life, including illegal lodging, graffiti, vandalism, lewd acts in local parks, disturbing the peace, loitering, prostitution, and drug activity.

The grant award is contingent upon City Council approval. The proposed resolution authorizes the City Attorney to apply for and enter into a grant agreement with the Department of Justice. It also indemnifies the Department of Justice from any civil suits which might arise from the City Attorney's use of the funds and certifies that the City will not use the grant to supplant local expenditures.

Swett

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A183-257.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Stevens. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-107: 2001/2002 Spousal Abuser Prosecution Program Grant.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-459) ADOPTED AS RESOLUTION R-295545

Authorizing the City Attorney to apply for, accept and expend \$75,000 Spousal Abuser Prosecution Program (SAPP) Grant from the State of California Department of Justice, under the terms and conditions outlined in the letter to Assistant City Attorney Gael Strack from Attorney General Bill Lockyer;

Declaring that the City of San Diego agrees to hold the Department of Justice and the State of California harmless from any liability arising out of the performance of the grant agreement, including court actions or damages, agrees that the City will provide the necessary match of twenty percent (20%) and certifies that the City will not use the grant to supplant local expenditures.

SUPPORTING INFORMATION:

On November 13, 1994, the City Attorney's Child Abuse/Domestic Violence Unit received notification that they had been awarded a \$60,000 grant from the California Department of Justice for the prosecution of domestic violence cases. The money has been used to enhance the advocacy and investigative efforts of the Unit.

The funding has been approved annually ever since 1994. The grant award is contingent upon City Council approval. The proposed resolution authorizes the City Attorney to apply for and enter into a grant agreement with the Department of Justice. It also indemnifies the Department of Justice from any civil suits which might arise from the City Attorney's use of the funds and certifies that the City will not use the grant to supplant local expenditures.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A183-257.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Stevens. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-108: Reprogram of Funds: Friar's Formation Slope Restoration Project (FFSRP).

(Navajo Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-316) ADOPTED AS RESOLUTION R-295546

Authorizing the City Auditor and Comptroller to reprogram TransNet Fund 30300, CIP-12-133.0, Canyon Lake and Pinetree Storm Drain, in an amount not to exceed \$10,033.07; and to reprogram TransNet Fund 30300, CIP-12-135.0, Washington Street at Dove Street Storm Drain, in an amount not to exceed \$13,056.22, into CIP-12-097.0, Friar's Formation Slope Restoration Project;

Authorizing the City Auditor and Comptroller to amend the Fiscal Year 2002 Capital Improvements Program Budget by increasing CIP-12-097.0, Friar's Formation Slope Restoration Project, by an amount not to exceed \$23,089.29;

Authorizing the expenditure of an amount not to exceed \$23,089.29 from Fund No. 30300, Department 30244, Organization No. 102, Job Order No. 120970;

Authorizing the City Auditor and Comptroller, upon advice from the administrative department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

In February 1998 a failure occurred in the slope below the properties at 5680 and 5690 Genoa Drive. At that time three pumping wells and one monitoring well were activated along Genoa Drive to lower the ground water table and help stabilize the slope. The Friar's Formation Slope Restoration Project (FFSRP) reconstructed the failed slope. At completion of this work, the wells were deactivated. The pumps have been shut off for many months and the wells now need to be properly abandoned and filled. Additional funds in the amount of \$23,000 are required to cover this and other related costs to close out the project.

FISCAL IMPACT:

\$10,033.07 in funding has been identified in Fund 30300, CIP-12-133.0, Canyon Lake and Pinetree Storm Drain; and \$13,056.22 in funding has been identified in Fund 30300, CIP-12-135.0, Washington Street at Dove Street Storm Drain. Both projects have been constructed.

Loveland/Belock/PB

Aud. Cert. 2200161.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A183-257.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Stevens. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-109: Ernestine Bonn Day.

COUNCILMEMBER WEAR'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-475) ADOPTED AS RESOLUTION R-295547

Proclaiming September 29, 2001, as "Ernestine Bonn Day," in honor of her remarkable contributions to the Uptown Communities within the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A183-257.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Stevens. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-110: Four actions related to Authorizing Suggestion Awards to City Employees.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2002-445) ADOPTED AS RESOLUTION R-295548

Danny Blake - Police Department - \$2,500

Subitem-B: (R-2002-446) ADOPTED AS RESOLUTION R-295549

Raquel E. Rodgers - City Clerk's Office - \$286.26

Subitem-C: (R-2002-447) ADOPTED AS RESOLUTION R-295550

Larry Fregia - Police Department - \$624.30

Subitem-D: (R-2002-448) ADOPTED AS RESOLUTION R-295551

Kathleen Henderson - Development Services Department- \$50

Ramon Portilla - Transportation Department - \$219.36

FILE LOCATION: SUBITEMS A, B, C, & D: MEET

COUNCIL ACTION: (Tape location: A183-257.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Stevens. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-111: Appointments to the Citizens Equal Opportunity Commission.

(See memorandum from Mayor Murphy dated 8/7/2001 with resumes attached.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-455) ADOPTED AS RESOLUTION R-295552

Council confirmation of the following appointments by the Mayor to serve as members of the Citizens Equal Opportunity Commission, for two-year terms as indicated:

<u>NAME</u>	<u>CATEGORY</u>	<u>TERM ENDING</u>
Joyce Ojibway Jennings (Reappointment)	American-Indian	January 1, 2003
Art C. Domingo (Replacing Juanita C. Santos, whose term has expired)	Filipino	January 1, 2003
Rev. Arthur Lawrence Cribbs, Jr. (Replacing Clarence E. McCoy, whose term has expired)	Black	January 1, 2003
Julia Ashley Legaspi (Replacing Dr. Dianette "Doni" Mitchell, whose term has expired)	City at Large	January 1, 2003

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A263-27.)

MOTION BY WEAR TO CONFIRM THE APPOINTMENTS. Second by Stevens.
Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea,
Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-112: Cooperative Agreement for Traffic Signal at Washington Street and SR-163.

(Uptown Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-444) ADOPTED AS RESOLUTION R-295553

Authorizing the City Manager to execute a cooperative agreement with Caltrans, for the design and construction of a traffic signal at the intersection of Washington Street and the State Route 163 on-ramps;

Authorizing the City Manager to accept \$40,000 from Caltrans to CIP-68-001.0, Cooperative Signal Projects;

Authorizing the City Auditor and Comptroller to amend the FY 2002 CIP budget by appropriating \$40,000 into CIP-68-001.0, Cooperative Signal Projects;

Authorizing the expenditure of an amount not to exceed \$120,000 from CIP-68-001.0, Cooperative Signal Projects (\$40,000 contingent upon a fully executed Cooperative Agreement with Caltrans and receipt of funds).

CITY MANAGER SUPPORTING INFORMATION:

This project will provide a traffic signal at the interchange of Washington Street and the northbound and southbound on-ramps to State Route 163. The project cost is estimated at \$120,000. The City will design and install the signal, and will contribute two-thirds of the construction cost (\$80,000) from CIP-68-001.0, Cooperative Signal Projects. \$70,000 of this funding is from FY 2001, and \$10,000 is from FY 2002. Caltrans will contribute one-third of the design and construction costs (\$40,000). Because two of the three legs of the intersection are City streets, the City is contributing 2/3 of the funds. The City will operate and maintain the signal.

This action will accept the \$40,000 contribution from Caltrans and authorize the expenditure of \$120,000 from CIP-68-001.0, Cooperative Signal Projects.

FISCAL IMPACT:

\$120,000 from CIP-68-001.0, Cooperative Signal Projects.

Loveland/Gonzalez/AH

Aud. Cert. 2200306.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A183-257.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Stevens. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-200: Retention of IDEC Pharmaceuticals Corp. (Proposed Fee Reimbursement)

(See City Manager Report CMR-01-202. University Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-467) ADOPTED AS RESOLUTION R-295554

Declaring that the Council finds that the attraction of further investment from IDEC Pharmaceuticals would result in the retention and creation of quality jobs, tax revenue, and other economic benefits and is in the best interests of the City of San Diego;

Declaring that the Council finds that IDEC Pharmaceuticals proposes to invest substantial amounts for the purchase of industrial land, construction of new office and laboratory facilities, and new equipment used in conjunction with the expansion of research and development operations within the jurisdiction of the City of San Diego;

Authorizing the City Manager to negotiate and execute an agreement with IDEC Pharmaceuticals to (a) reimburse the Company for its expected future payment of Housing Impact Fees assessed and charged by the City for development of the project, following the Company's submission of documentation demonstrating that

the City has received General Fund tax revenue exceeding the amount of the requested reimbursement, such reimbursement not to exceed \$614,000 in the aggregate; (b) provide the sales/use tax rebates authorized through Council Resolution R-288034 for participation in the Business Cooperation Program;

(c) reduce by \$1,000 per equivalent dwelling unit (EDU) the normal charges of \$2,500/EDU for water and sewer capacity pursuant to Council Resolution R-294831; and (d) provide a certificate of exemption from potential future mandatory water conservation measures which could be adopted in the event of drought or “water warning,” on the property known as Lots 1 through 15 of Nobel Research Park pursuant to Council Resolution R-290822, amending Council Policy 400-09, and Ordinance No. O-18596 amending Section 67.3805 of the San Diego Municipal Code. Such agreement shall be subject to the Council’s annual review and approval during the adoption of the City’s budget. The Agreement shall contain the following provisions:

1. The maximum amount of the Housing Impact Fee reimbursement shall not exceed \$614,000, irrespective of the number, size, type, or use classification of the buildings ultimately constructed by IDEC at Nobel Research Park; and
2. The Housing Impact Fees will not be reimbursed until and unless IDEC has provided to the City documentation demonstrating that the City has received General Fund tax revenues such as sales tax, use tax, property tax, business license tax, or some combination of such taxes which are directly attributable to the purchase, development, and use of the proposed headquarters/research and development complex to be constructed at the property currently known as Nobel Research Park; and
3. IDEC shall participate in the Business Cooperation Program by self-assessing California use taxes, and shall properly report and allocate, and/or cause to be properly reported and allocated, such sales and use taxes to the City of San Diego as the situs of the transaction, or adopting proprietary strategies and protocols which result in the City of San Diego receiving all or substantially all of the 1% local portion sales and use taxes associated with the development and its use; and
4. IDEC shall participate in the Guaranteed Water for Industry Program by utilizing reclaimed water in the cooling towers associated with the buildings to be constructed at Nobel Research Park, and by adopting the “Best Management Practices for Potable Water Conservation” for all these

same buildings, to the extent allowed by the Food and Drug Administration; and

5. The incentives authorized will be provided to IDEC or any of its successors or assigns if the facility is not occupied, or will not be occupied by IDEC Pharmaceuticals, Inc. or a wholly-owned subsidiary of IDEC Pharmaceuticals, Inc.

Authorizing the City Auditor and Comptroller, upon the direction of the Financial Management Director, to appropriate sales, use, property, and/or business license tax revenues paid by the Company to reimburse IDEC for Housing Impact Fees paid by or for IDEC;

Directing the City staff to take all actions necessary to implement the agreement.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B041-092.)

MOTION BY PETERS TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-201: REFERRED TO CLOSED SESSION

Conference with Real Property Negotiator, pursuant to California Government Code Section 54956.8:

- | | | |
|----|----------------------|---|
| A. | Property: | An approximately 4.92 acre portion of the 38 acre San Diego Sports Arena site (APN-441-590-04). |
| | Agency Negotiator: | Real Estate Assets Director. |
| | Negotiating Parties: | Arena Group 2000 as operator of the San Diego Sports Arena. |
| | Under Negotiation: | Terms of New Ground Lease Agreement for three (3) pad sites to be used by retail subtenants. |

B. Property: Torrey Hills Neighborhood Park YMCA (APN-307-451-57).

 Agency Negotiator: Real Estate Assets Director.

 Negotiating Parties: YMCA.

 Under Negotiation: New lease terms.

Prior to Council discussion in Closed Session and in compliance with the Brown Act, (California Government Code Section 54956.8) these issues are listed on the docket only for public testimony.

There is no Council discussion of this item. The City Council's actions are:

1) Open the Public Hearing and accept testimony from any members of the public wishing to address the Council on this subject; 2) Conclude and close the public hearing; and 3) Refer the matters to Closed Session on October 9, 2001 and if not heard on October 9, 2001; refer to Closed Session on October 16, 2001.

NOTE: Members of the public wishing to address the Council on this item should speak "in favor" or "in opposition" to the subject.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A038-039.)

Mayor Murphy closed the Hearing.

ITEM-250: SUBMISSION OF BALLOT PROPOSALS

City Council Policy 000-21 establishes the procedure for submittal of ballot proposals. The Council Policy states that members of the public shall submit proposals to the City Clerk, who then shall transmit them promptly to the Rules Committee for review and comment. The proposals must be submitted in time to allow the City Clerk to list on the Council Docket 127 days prior to the election the ballot proposals which have been referred back to Council following Rules Committee review.

Therefore, the City Clerk's Office has established the following administrative guidelines for the March 5, 2002 election:

<u>DAY</u>	<u>DATE</u>	<u>DAYS BEFORE ELECTION</u>	<u>EVENT</u>
Friday	9/14/2001	127	LAST DATE (10:00 a.m.) for public to submit ballot proposals to City Clerk for review by Rules Committee
Wednesday	9/26/2001	160	Rules Committee Review
Tuesday	10/23/2001	133	LAST DATE for City Manager, department or other public agency to submit ballot proposals to City Clerk for placement on Council Docket
Monday	10/29/2001	127	Council Docket (PUBLIC NOTICE) lists proposals referred by Rules Committee
Monday	11/05/2001 through	120 to	Council adopts propositions for ballot; directs City Attorney to prepare
Tuesday	11/20/2001	105	ordinances
Monday	11/26/2001	99	Council adopts ordinances prepared by City Attorney
Friday	12/07/2001	88	Last day for City Clerk to file with Registrar of Voters all election material
Thursday	12/20/2001	75	Last day to file ballot arguments with City Clerk

If you have any questions, please contact the Office of the City Clerk, at 533-4025.

ITEM-251: Notice of Completion and Acceptance of Subdivision Improvement Agreement.

Notice is hereby given that the City Manager of the City of San Diego intends to file a "Notice of Completion and Acceptance of Subdivision Improvement Agreement" indicating that the improvements included in the Subdivision

Improvement Agreement have been satisfactorily completed for the following subdivisions:

SUBDIVISION

Westview II

AREA

Pacific Beach Community

The certification shall be recorded 15 days after the date this notice appears on the Council Docket or shortly thereafter. If any person wishes to object to the filing of this notice, such person should communicate the objection on or before that date to the Director or Planning and Development Review or to the Subdivision Engineer, City Operations Building, 1222 First Avenue (MS 507), San Diego, CA 92101.

ITEM-252: Settlement of the Personal Injury Claim of Brian Santos.

Adopted as Resolution R-295511.

A Resolution approved by the City Council in Closed Session on Tuesday, September 25, 2001, by the following vote: Peters-not present; Wear-yea; Atkins-yea; Stevens-not present; Maienschein-yea; Frye-yea; Madaffer-yea; Inzunza-yea; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$70,000 in the settlement of each and every claim against the City, its agents and employees, resulting from the personal injury to Brian Santos (Superior Court Case No. 753646, Brian Santos v. City of San Diego, et al.);

Authorizing the City Auditor and Comptroller to issue one check in the total amount of \$70,000 made payable to Brian Santos and his attorney of record, Mark D. Anderson, in full settlement of all claims.

Aud. Cert. 2200324.

NOTE: This item is placed on a Council docket, so that the official and public record will reflect the adoption of this Resolution. It does not require any further Council action.

*ITEM-S400: Appointments to the Board of Directors of the City of San Diego/MTDB Authority.

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-503) ADOPTED AS RESOLUTION R-295555

Council confirmation of the appointments of Frank Panarisi and Harry Mathis by the Mayor to serve as members of the Board of Directors of the City of San Diego/MTDB Authority as the City's two Members of the Public.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A183-257.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Stevens. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-S401: Mid-City Pipeline Project - Contract Change Order No. 7.

(See Larry Gardner's memo dated 7/10/2001. Mid-City and College Community Areas. Districts-3 and 7.)

(Continued from the meeting of October 2, 2001, Item 110, at the request of Councilmember Madaffer, for further review.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2002-229) ADOPTED AS RESOLUTION R-295556

Approving Contract Change Order No. 7 to the Mid-City Pipeline Project;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$750,199.75 from Water Fund 41500, CIP-73-246.0, Mid-City Pipeline, for Contract Change Order No. 7, Class F Asphalt, and additional safety and City

Force work, provided that the City Auditor and Comptroller first furnishes a certificate certifying that funds are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$123,119 from Water Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement, as follows: \$93,504 for Water Group Job 490A, CIP-73-849.8, and \$29,615 for Water Group Job 489A, CIP-73-849.7; provided that the City Auditor and Comptroller first furnishes a certificate certifying that funds are, or will be, on deposit with the City Treasurer;

Authorizing the City Manager to do by City Forces all the work as required in connection with the stand-by services, closing and opening valves, cut and plugs, installation of temporary valves and piping, and inspection, in an amount not to exceed \$202,221 as follows: \$92,221 in Water Fund 41500, CIP-73-246.0, Mid-City Pipeline, and \$110,000 in Water Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacements (\$90,000 in Water Group Job 490A and \$20,000 in Water Group Job 489A); for a total City Force authorization of \$510,000 for the Mid-City Pipeline Projects;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 7/18/2001, NR&C voted 4-0 to approve the projects as listed in Larry Gardner's 7/10/2001 memo. Any mandated completion due dates from the Department of Health Service Compliance Order should be included in future projects backup when applicable. (Councilmembers Peters, Wear, Frye and Madaffer voted yea. Councilmember Inzunza not present.)

CITY MANAGER SUPPORTING INFORMATION:

The Mid-City Pipeline (MCPL) Project will bring a needed backup supply of drinking water and improved water pressure to the communities of the Mid-City area. There is a significant need for the new infrastructure improvement as it will complement the only existing supply of water to the area, currently delivered by Trojan Pipeline, and improve water delivery reliability. The Trojan Pipeline, built in the 1950's, has never been out of service for inspection or routine maintenance.

During design, the City formed the MCPL Mitigation Monitoring Team (MMT) with representatives from business improvement districts, churches, schools, and Council Districts 3 and 7. The MMT began identifying associated impacts to the community and recommending feasible mitigation measures. Examples include requiring night time construction in business districts to avoid impacting traffic, no construction activity adjacent to schools while in session, and repaving El Cajon Boulevard curb-to-curb and curb-to-median within the Project limits at he

completion of the contract.

On May 24, 1999, the City Council approved R-291660 for advertisement for bids and construction of the Project, and on November 9, 1999, the Council approved R-292438 to award the construction contract to PCL Civil Constructors, Inc. The construction is about 70% complete and is expected to be finished by the Spring of 2002. Furthermore, the project was addressed in a Mitigated Negative Declaration (LDR No. 94-0236) and two Addenda to the Mitigated Negative Declaration (LDR Nos. 98-0539 and 98-1200).

The main alignment for the pipeline is El Cajon Boulevard, which is extremely old and congested with numerous underground utilities, many of which are missing from existing records. The existing condition of El Cajon Boulevard is also very fragile and has not been able to stand the impact of construction worsened by the past rainy season. The underground utility conflicts and deteriorating conditions of El Cajon Boulevard have all resulted in additional project costs for the contractor (i.e., additional temporary and permanent pavings and restoration of curbs and medians), design consultant, public outreach efforts, and the support from City Forces (i.e., inspection, stand-by services, closing and opening valves, temporary pipeline isolations, and installation of temporary valves and piping). The Water Department has already taken some actions such as directing the contractor to perform extra paving works on an emergency basis in response to complaints from traveling public and local communities and at the requests of Council offices.

Furthermore, in consideration of the Street Division's minimum standards for overlay pavement, Change Order No. 7 in the amount of \$388,380.42 is needed to compensate the contractor for a stronger and thicker mix.

The additional paving activities are needed to restore the driveability and safety of the streets within the work areas and to ameliorate any adverse effects to local businesses and residents. More support from City Forces is also necessary to resolve utility conflicts and changed conditions. Support from City Forces is mostly needed at night and/or over weekends. Since work is ongoing and there have been immediate needs, use of City Forces will be timelier and more economical because they are familiar with the project and have the required equipment and expertise. The use of City Forces will also allow better coordination with Water Operations Division and will help minimize interruptions in water service. However, all these extra works require appropriation of additional funding to support the MCPL project budget for the successful completion of this contract.

FISCAL IMPACT:

Funding in the amount of \$750,199.75 is available from CIP-73-246.0, Mid-City Pipeline and funding for Water Group Jobs 489A and 490A in the amount of \$123,119 is available from CIP-73-083.0, Annual Allocation - Water Main Replacements.

Loveland/Gardner/MML

**Minutes of the Council of the City of San Diego
for the Regular Meeting of Monday, October 8, 2001**

Page 39

Aud. Cert. 2200278.

FILE LOCATION: CONT-PCL Civil Contractors, Inc.
W.O. 182011

COUNCIL ACTION: (Tape location: B030-034.)

MOTION BY WEAR TO ADOPT. Second by Stevens. Passed by the following vote:
Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea,
Inzunza-yea, Mayor Murphy-yea.

NON-DOCKET ITEMS:

NONE.

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 3:03 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B100.)